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EXAMINER

TRAN, PHILIP B

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2155

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/626,577	Applicant(s) TOMKOW, TERRANCE A.	
	Examiner Philip B Tran	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 115-121, 145-150, 159-183, 187-191 and 226-242 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 115-121, 145-150, 159-183, 187-191 and 226-242 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/27/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/13/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

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Response to Amendment

1. This office action is in response to the amendment filed on 10/25/2004. Claims 115-121, 145-150, 159-183, 187-191, 226-242 have been amended. Claims 243-285 have been newly added. Therefore, pending claims are presented for further examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The analysis under 35 U.S.C. 112, first paragraph, requires that the scope of protection sought be supported by the specification disclosure. The pertinent inquiries include determining (1) whether the subject matter defined in the claims is described in the specification and (2) whether the specification disclosure as a whole is to enable one skilled in the art to make and use the claimed invention.

(1) Claims 115-121, 145-150, 159-183, 187-191 and 226-242 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The "invention" for the purpose of the first paragraph analysis is defined by the claims. The description requirement is simply that the claimed subject matter must be

described in the specification. The function of the description requirement is to ensure that the applicant had possession of the invention on the filing date of the application. The application need not describe the claim limitations exactly, but must be sufficiently clear for one of ordinary skill in the art to recognize that the applicant's invention encompasses the recited limitations. The description requirement is not met if the application does not expressly or inherently disclose the claimed invention.

Specification does not explicitly describe nor is sufficiently clear for one of ordinary skill in art to recognize the following steps as recited in claim 115 and similar bold-faced amended terms in other claims 116-121, 145-150, 159-183, 187-191 and 226-242:

- receiving the **unencrypted** message from the sender.
- transmitting the **unencrypted** message, **without any encryption, to the** destination address.
- **without encrypting the unencrypted address**, providing at the server a digital signature of the **unencrypted** message.
- transmitting to the sender the **unencrypted** message and the digital signature of the **unencrypted** message for storage by the sender.

Claims 115-121, 145-150, 159-183, 187-191 and 226-242 are unclear that the one ordinarily skilled in the art cannot recognize the encompassed claim limitations. Especially, limitations of independent claims are not found supported by the specification of this instant application. Dependent claims also contain similar bold-faced amended terms as indicated above and are dependent on independent claims

and thus are unclear how they would have been encompassed as well. While adding negative limitations like "unencrypted" or "without any encryption" or "without encrypting" to the claim language, the instant application's specification clearly shows digital signature as defined as encrypted message. Thus, there is a contradiction.

(2) Claims 115-121, 145-150, 159-183, 187-191 and 226-242 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The enablement requirement necessitates a determination that the disclosure contains sufficient teaching regarding the subject matter claimed as to enable one skilled in the pertinent art to make and use the claimed invention. In essence, the scope of enablement provided to one ordinarily skilled in the art by the disclosure must be commensurate with the scope of protection sought by the claims.

Currently, the most prevalent standard for measuring sufficient enablement to meet the requirements of 112 is that of "undue experimentation". The test is whether, at the time of the invention, there was sufficient working procedure for one skilled in the art to practice the claimed invention without undue experimentation. It is important to note that the test of enablement is not whether any experimentation is necessary, but whether, if experimentation is necessary, is it undue. An skilled artisan is given sufficient direction or guidance in the disclosure. Moreover, the experimentation required, in addition to not being undue, must not require ingenuity beyond that expect of one of ordinary skill in the art.

Undue experimentation and ingenuity would be required beyond one ordinarily skilled in the art to practice the following steps as recited in claims 115-121, 145-150, 159-183, 187-191 and 226-242:

- receiving the **unencrypted** message from the sender.
- transmitting the **unencrypted** message, **without any encryption, to** the destination address.
- **without encrypting the unencrypted address**, providing at the server a digital signature of the **unencrypted** message.
- transmitting to the sender the **unencrypted** message and the digital signature of the **unencrypted** message for storage by the sender.

Undue experimentation would be needed to receive the **unencrypted** message from the sender, transmitting the **unencrypted** message, **without any encryption, to** the destination address, **without encrypting the unencrypted address**, providing at the server a digital signature of the **unencrypted** message and transmitting to the sender the **unencrypted** message and the digital signature of the **unencrypted** message for storage by the sender. While adding negative limitations like “unencrypted” or “without any encryption” or “without encrypting” to the claim language, the instant application’s specification clearly shows digital signature as defined as encrypted message. Thus, there is a contradiction.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 115-121, 145-150, and 230-242 are rejected under 35 U.S.C. 102(b) as being anticipated by **Barkan** International Publication No. **WO 98/17042**.

Regarding claim 115, **Barkan** teaches the invention as claimed, including a method of transmitting a message from a sender to a destination address through a server displaced from the destination address (abstract), the steps at the server of:

receiving the message from the sender (abstract, p.23-24, step (h). p.19, step (b)),

transmitting the message to the destination address (abstract, p.12, steps (a, b, c), p.23-24, step (h), p.30, step (d)),

receiving at the server an indication from the destination address that the message has been received at the destination address from the server (abstract, p.8, p.19, p.29, step c),

providing at the server a digital signature of the message (p.9, p.31-32), and

transmitting to the sender the message and the digital signature of the message for storage by the sender (p.33, 1st paragraph, mail server 3 sends proof of receipt message and encrypted message from recipient (user 2) and stores in mail box 12 belonging to sender (user 1)).

Regarding claim 116, **Barkan** teaches the invention as claimed, the step at the server of: discarding the message and the digital signature of the message after the transmission of the message and the digital signature of the message to the sender (p.35, step 1).

Regarding claim 117, **Barkan** teaches the invention as claimed, including steps at the server of: receiving from the sender a copy of the message and the digital signature of the message (p.34, step j), generating digital fingerprints of the message and the digital signature received from the sender (p. 23-24, steps j-h, p.31-p.32), comparing the digital fingerprints, and authenticating the message on the basis of the results of the comparison (p. 23-24, steps j-h, p.31-p.32).

Regarding claim 118, **Barkan** teaches the invention as claimed, including the steps at server of: providing at the server, at the same time as the provision of the digital signature of the message at the server, an attachment including the identity of the sender and the identity and address of the server and the destination address all as received by the server from the destination address (p.23, 30), generating a digital signature of the attachment, and transmitting to the sender the attachment including the identity of the sender, the identity and address of the server and the destination address and the digital signature of the attachment, at the same time as the transmission of the message, and the digital signature of the message, to the sender (p.23, 29-30, 34).

Regarding claim 119, **Barkan** teaches the invention as claimed, including the steps at the server of: receiving an attachment from the destination address (abstract, p.8, p.19, p.29, step c), providing at the server a digital signature of the attachment, transmitting to the sender, at the same time as the transmission of the message and the digital signature of the message, the attachment and the digital signature of the attachment (p.23, 29-30, 34).

Regarding claim 120, **Barkan** teaches the invention as claimed, including the steps at the server of: receiving from the sender copies of the message and the attachment and the digital signatures of the message and the attachment, generating digital fingerprints of the message and the digital signature of the message and digital fingerprints of the attachment and the digital signature of the attachment, and comparing the digital fingerprints of the message and the digital signature of the message and comparing the digital fingerprints of the attachment and the digital signature of the attachment to authenticate the message and the attachment (p. 23-24, steps j-h, p.29-30, 31-32, 34).

Regarding claim 121, **Barkan** teaches the invention as claimed, including the steps at the server of: receiving the message and the digital signature of the message at the server from the sender, and authenticating the message at the server on the basis of the message and the digital signature received by the server from the sender (p. 23-24, steps j-h, p.29-30).

Regarding claim 145, **Barkan** teaches the invention as claimed, including a method of transmitting a message from a sender to a destination address for a recipient through a server displaced from the destination address, including the steps at the server of: receiving the message from the sender (abstract, p.23-24, step (h). p.19, step (b)), transmitting the message to the destination address through a path including servers between the server and the destination address (p. 13, 22-24, the e-mail message sends from sender (i.e. user 1) through mail server to receiver (i.e. user 2) through paths (i.e. communication links 13, 23) figure 1, p.13), and transmitting to the sender the message and the path of transmission of the message between the server and the destination address (p.9, 13, 22-24, 31-32).

Regarding claim 146, **Barkan** teaches the invention as claimed, wherein the server receives from the sender the message and the path of transmission of the message between the server and the destination address and wherein the server authenticates the message on the basis of the message and the path of transmission of the message between the server and the destination address (figure 1, p. 23-24, steps j-h, p.31-32).

Regarding claim 147, **Barkan** teaches the invention as claimed, wherein the server does not retain the message after it transmits the message to the sender (p.35, step 1).

Regarding claim 148, **Barkan** teaches the invention as claimed, wherein the destination address is one of a plurality of destination addresses receiving the message from the server (figure 1, p.14, 15).

Regarding claim 149, **Barkan** teaches the invention as claimed, wherein the path of transmission of the message between the server and the destination address includes the identity and address of the server and a recipient at the destination address (p.23, 29-30, 34).

Regarding claim 150, **Barkan** teaches the invention as claimed, wherein the server does not retain the message after it transmits the message to the sender and wherein the destination address is one of a plurality of destination addresses receiving the message from the server and wherein the message has an attachment and wherein the attachment identifies the path of transmission of the message between the server and the destination address (p.23, 29-30, 34, p.35, step 1).

Regarding claim 230, **Barkan** teaches the invention as claimed, including a method of authenticating a message provided by a sender and transmitted to a destination server by a second server displaced from the sender and the destination server, the steps at the second server of: providing an attachment including the identity and address of the sender and the identity and address of the second server and the

identity and address of the destination server, and transmitting, the attachment from the second server to the sender (abstract, p.12, steps (a, b, c), p.23-24, step (h), p.30, step (d), p.33, 1st paragraph, p.34).

Regarding claim 231, **Barkan** teaches the invention as claimed, wherein the attachment includes the address and identity of intermediate stations receiving the attachment on the transmission of the message between the second server and the destination server (p.44, step e).

Regarding claim 232, **Barkan** teaches the invention as claimed, including the steps at the second server of: providing a digital signature of the attachment at the second server, and transmitting the digital signature from the second server to the sender at the time of transmitting the attachment from the second server to the sender (abstract, p.12, steps (a, b, c), p.23-24, step (h), p.30, step (d), p.33, 1st paragraph, p.34).

Regarding claim 233, **Barkan** teaches the invention as claimed, including the steps at the second server of: providing a digital signature of the attachment at the second server, and transmitting the digital signature from the second server to the sender at the time of transmitting the attachment from the second server to the sender (abstract, p.12, steps (a, b, c), p.23-24, step (h), p.30, step (d), p.33, 1st paragraph, p.34).

Regarding claim 234, **Barkan** teaches the invention as claimed, including the steps at the second server of: receiving the attachment at the digital signature at the second server from the sender (abstract, p.12, steps (a, b, c), p.23-24, step (h), p.30, step (d), p.33, 1st paragraph, p.34), and authenticating the attachment at the second server on the basis of the attachment and the digital signature received by the second server from the sender (p.23-24, steps j-h, p.31-p.32).

Regarding claim 235, **Barkan** teaches the invention as claimed, including the steps at the second server of: authenticating the attachment at the second server on the basis of the attachment and the digital signature received by the second server from the sender (p.23-24, steps j-h, p.31-p.32).

Regarding claim 236, **Barkan** teaches the invention as claimed, including the steps at the second server of: receiving the attachment and the digital signature at the second server from the sender (abstract, p.12, steps (a, b, c), p.23-24, step (h), p.30, step (d), p.33, 1st paragraph, p.34), providing at the second server digital fingerprints of the attachment and the digital signature received at the second server from the sender, and comparing the digital fingerprints to authenticate the attachment (p.23-24, steps j-h, p.31-p.32).

Regarding claim 237, **Barkan** teaches the invention as claimed, including the steps at the second server of: receiving the attachment and the digital signature at the second server from the sender (abstract, p.12, steps (a, b, c), p.23-24, step (h), p.30, step (d), p.33, 1st paragraph, p.34), providing at the second server digital fingerprints of the attachment and the digital signature received at the second server from the sender, and comparing the digital fingerprints to authenticate the attachment (p.23-24, steps j-h, p.31-p.32).

Regarding claim 238, **Barkan** teaches the invention as claimed, including a method of verifying at a server a delivery of an electronic message to a destination address, the steps of: transmitting the electronic message between the server and the destination address (abstract, p.23-24, step (h). p.19, step (b)), receiving at the server the path of transmission of the message between the server and the destination address, the path including servers between the server and the destination address (p. 13, 22-24, the e-mail message sends from sender (i.e. user 1) through mail server to receiver (i.e. user 2) through paths (i.e. communication links 13, 23) figure 1, p.13), and transmitting to the sender the message and the path of transmission of the message between the server and the destination address (p.9, 13, 22-24, 31-32).

Regarding claim 239, **Barkan** teaches the invention as claimed, wherein the server does not retain the message or the path of transmission of tile message between the server and the destination address after the server transmits to the sender the

message and the path of transmission of the message between the server and the destination address (p.35, step 1).

Regarding claim 240, **Barkan** teaches the invention as claimed, wherein the server receives from the sender the message and the path of transmission of the message between the server and the destination address (abstract, p.12, steps (a, b, c), p.23-24, step (h), p.30, step (d), p.33, 1st paragraph, p.34) and wherein the server authenticates the message on the basis of the message, and the path of transmission of the message between the server and the destination address, received by the server from the sender (p.23-24, steps j-h, p.31-p.32).

Regarding claim 241, **Barkan** teaches the invention as claimed, wherein the server provides a digital signature of the message and transmits the digital signature with the message to the sender and wherein the server receives from the sender the message and the digital signature of the message and wherein the server provides digital fingerprints of the message and the digital signature and compares the digital fingerprints to authenticate the message (abstract, p.12, steps (a, b, c), p.23-24, steps j-h, p.31-p.32).

Regarding claim 242, **Barkan** teaches the invention as claimed, wherein the server provides a digital signature of the path of transmission of the message between the server and the destination address and transmits the digital signature to the sender

with the path of transmission and wherein the server receives from the sender the path of transmission and the digital signature of the path of transmission and wherein the server provides digital fingerprints of the path of transmission and the digital signature of the path of the transmission and compares the digital fingerprints to authenticate the message (abstract, p.12, steps (a, b, c), p.23-24, steps j-h, p.31-p.32).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 159-183, 187-191, and 226-229 are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Barkan** International Publication No. **WO 98/17042**, in view of **Zabetian** U.S. Patent No. **6,327,656**.

Regarding claim 159, **Barkan** teaches the invention as claimed, including a method of providing a delivery at a server of an electronic message from the server to a destination address, including the steps of: receiving at the server an electronic message from a sender for transmission to the destination address (abstract, p.23-24, step (h). p.19, step (b)), transmitting the electronic message from the server to the destination address (abstract, p.12, steps (a, b, c), p.23-24, step (h), p.30, step (d)) and receiving at the server the transmission of the electronic message between the server and the destination address (abstract, p.8, p.19, p.29, step c). However, **Barkan** does

not explicitly teach transmitting a message via a protocol selected from a group consisting of an SMTP protocol and an ESMTP protocol. **Zabetian** teaches the electronic documents send between clients and servers using conventional protocols such as SMTP, FTP, HTTP, and other network protocol could be used to transmit electronic documents (col. 4 lines 25-55, col. 6 lines 21-37, col. 14 lines 53-66). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Barkan and Zabetian** to include the step of using a protocol selected from a group of network conventional protocols because it would have an efficient communications system that has a capability for users to send and attach various kinds of files to electronic mail (including electronic document certification, verification, digital signature).

Regarding claim 160, **Barkan** teaches the invention as claimed, including the steps of: including in the transmission between the server and the destination address, the identify of the of the sender, the identity and address of the server and the destination address (p.23, 29-30, 34). However, **Barkan** does not explicitly teach transmitting a message via the selected one of the protocols. **Zabetian** teaches the electronic documents send between clients and servers using conventional protocols such as SMTP, FTP, HTTP, and other network protocol could be used to transmit electronic documents (col. 4 lines 25-55, col. 6 lines 21-37, col. 14 lines 53-66). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to have the same motivation as set forth in claim 159, *supra*.

Regarding claim 161, **Barkan** teaches the invention as claimed, including the steps of: providing a transmission of the message from the server to the sender, including, in the transmission from the server to the sender, a digital signature of the electronic message (p.9, 31-32, 33, 1st paragraph).

Regarding claim 162, **Barkan** teaches the invention as claimed, including the step of: recording, in the transmission between the server and the destination address the time for the transmission of the message from the server to the destination address and the time for the receipt of the message at the destination address (p.22-24).

However, **Barkan** does not explicitly teach transmitting a message via the selected one of the protocols. **Zabetian** teaches the electronic documents send between clients and servers using conventional protocols such as SMTP, FTP, HTTP, and other network protocol could be used to transmit electronic documents (col. 4 lines 25-55, col. 6 lines 21-37, col. 14 lines 53-66). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to have the same motivation as set forth in claim 159, supra

Regarding claim 163, **Barkan** teaches the invention as claimed, including the steps of: including, in the transmission of the message between the server and the sender a digital signature of the transmission of the electronic message between the server and the destination address and recording, in the transmission between the

server and the destination address the time for the transmission of the message from the server to the destination address and the time for the receipt of the message at the destination address (abstract, p.8, 9, 19, 22-24, 28-29, step c, p.31-32, 51). However, **Barkan** does not explicitly teach transmitting a message via the selected one of the protocols. **Zabetian** teaches the electronic documents send between clients and servers using conventional protocols such as SMTP, FTP, HTTP, and other network protocol could be used to transmit electronic documents (col. 4 lines 25-55, col. 6 lines 21-37, col. 14 lines 53-66). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to have the same motivation as set forth in claim 159, supra.

Regarding claim 164, **Barkan** teaches the invention as claimed, including the step of: including, in the transmission of the message between the server and the destination address the status of the delivery of the message at the destination address from the server (p.31, 35, 51). However, **Barkan** does not explicitly teach transmitting a message via the selected one of the protocols. **Zabetian** teaches the electronic documents send between clients and servers using conventional protocols such as SMTP, FTP, HTTP, and other network protocol could be used to transmit electronic documents (col. 4 lines 25-55, col. 6 lines 21-37, col. 14 lines 53-66). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to have the same motivation as set forth in claim 159, supra.

Regarding claim 165, **Barkan** teaches the invention as claimed, including the step of: receiving at the server a delivery status notification relating to the status of the delivery of the message at the destination address and the delivery of the message from the destination address to a recipient (abstract, p.8, p.19, p.29, step c. p.31, 35, 51).

Regarding claim 166, **Barkan** teaches the invention as claimed, including a method of verifying at a first server a delivery of an electronic message to a destination server for a recipient, the steps at the first server of: transmitting the electronic message from the first server to the destination server (abstract, p.23-24, step (h). p.19, step (b), figure 1, user B and mail box of user B read as destination server), receiving at the first server from the destination server transmission between the first server and the destination server (abstract, p.8, p.19, p.29, step c), and transmitting from the first server to the sender the message and the transmission between the first server and the destination server (abstract, p.12, steps (a, b, c), p.23-24, step (h), p.30, step (d), p.33, 1st paragraph). However, **Barkan** does not explicitly teach transmitting a message via a protocol selected from a group consisting of an SMTP protocol and an ESMTP protocol. **Zabetian** teaches the electronic documents send between clients and servers using conventional protocols such as SMTP, FTP, HTTP, and other network protocol could be used to transmit electronic documents (col. 4 lines 25-55, col. 6 lines 21-37, col. 14 lines 53-66). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Barkan and Zabetian**

to include the step of using a protocol selected from a group of network conventional protocols because it would have an efficient communications system that has a capability for users to send and attach various kinds of files to electronic mail (including electronic document certification, verification, digital signature).

Regarding claim 167, **Barkan** teaches the invention as claimed, including transmitting from the first server to the sender the message at the time of the completion of the transmission of the message between of the first server and the destination server (abstract, p.8, 19, 29, step c, p. 45, 51). However, **Barkan** does not explicitly teach transmitting a message via the selected one of the protocols. **Zabetian** teaches the electronic documents send between clients and servers using conventional protocols such as SMTP, FTP, HTTP, and other network protocol could be used to transmit electronic documents (col. 4 lines 25-55, col. 6 lines 21-37, col. 14 lines 53-66). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to have the same motivation as set forth in claim 166, supra.

Regarding claim 168, **Barkan** teaches the invention as claimed, including the step of: discarding the message at the first server after the transmission of the message by the first server to the destination sender (p.35, step 1). However, **Barkan** does not explicitly teach transmitting a message via the selected one of the protocols. **Zabetian** teaches the electronic documents send between clients and servers using conventional protocols such as SMTP, FTP, HTTP, and other network protocol could be used to

transmit electronic documents (col. 4 lines 25-55, col. 6 lines 21-37, col. 14 lines 53-66).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to have the same motivation as set forth in claim 166, supra

Regarding claim 169, **Barkan** teaches the invention as claimed, including the steps of: providing at the first server a digital signature of the message and transmitting the digital signature of the message from the first server to the sender at the time of the message from the first server to the sender (abstract, p.8, p.19, p.29, step c).

Regarding claim 170, **Barkan** teaches the invention as claimed, including the steps of: transmitting from the first server to the sender the message after the transmission of the message between the first server and the destination server (abstract, p.8, p.19, p.29, step c), and releasing the message at the first server after the transmission of the message by the first server to the sender (p.35, step 1). However, **Barkan** does not explicitly teach transmitting a message via the selected one of the protocols. **Zabetian** teaches the electronic documents send between clients and servers using conventional protocols such as SMTP, FTP, HTTP, and other network protocol could be used to transmit electronic documents (col. 4 lines 25-55, col. 6 lines 21-37, col. 14 lines 53-66). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to have the same motivation as set forth in claim 166, supra.

Regarding claim 171, **Barkan** teaches the invention as claimed, including the step of: transmitting between the first server and the destination server the identity of the sender the identity and address of the first server and the identity and address of the destination server and the time of the receipt of the message by the first server and the time of the transmission to the first server from the destination server of the identity of the sender, the identity and address of the first server and address of the destination server (p. 23, 30, 34 50).

Regarding claim 172, **Barkan** teaches the invention as claimed, including the step of: receiving at the first server from the destination server a delivery status notification indicating the status of the delivery of the message from the first server to the destination server and the time of the transmission of the delivery status notification by the destination server to the first server (abstract, p.8, p.19, p.29, step c, p.45, 51).

Regarding claim 173, **Barkan** teaches the invention as claimed, including a method of verifying at a first server a message received by the first server from a sender and transmitted by the first server to a destination server for a recipient, the step of: receiving at the first server from the destination server an attachment including transmissions between the first server and the destination server relating to the message from the sender (abstract, p.8, p.19, p.29, step c), transmitting from the first server to the sender the message and the attachment including the transmissions between the first server and the destination server (abstract, p.12, steps (a, b, c), p.23-

24, step (h), p.30, step (d), p.33, 1st paragraph), transmitting from the sender to the first server the message and the attachment, and authenticating the message on the basis of the message and the attachment (p. 23-24, steps j-h, p.29, 30, 31-32, 34). However, **Barkan** does not explicitly teach transmitting a message via a protocol selected from a group consisting of an SMTP protocol and an ESMTP protocol. **Zabetian** teaches the electronic documents send between clients and servers using conventional protocols such as SMTP, FTP, HTTP, and other network protocol could be used to transmit electronic documents (col. 4 lines 25-55, col. 6 lines 21-37, col. 14 lines 53-66). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Barkan and Zabetian** to include the step of using a protocol selected from a group of network conventional protocols because it would have an efficient communications system that has a capability for users to send and attach various kinds of files to electronic mail (including electronic document certification, verification, digital signature).

Regarding claim 174, **Barkan** teaches the invention as claimed, wherein the attachment includes transmissions between servers intermediate, the first server and the destination server (figure 5).

Regarding claim 175, **Barkan** teaches the invention as claimed, including the step of: removing the message from the first server when the first server transmits to the sender the message and the attachment (p.35, step 1). However, **Barkan** does not

explicitly teach transmitting a message via a protocol selected from a group consisting of an SMTP protocol and an ESMTP protocol. **Zabetian** teaches the electronic documents send between clients and servers using conventional protocols such as SMTP, FTP, HTTP, and other network protocol could be used to transmit electronic documents (col. 4 lines 25-55, col. 6 lines 21-37, col. 14 lines 53-66). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Barkan and Zabetian** to include the step of using a protocol selected from a group of network conventional protocols because it would have an efficient communications system that has a capability for users to send and attach various kinds of files to electronic mail (including electronic document certification, verification, digital signature).

Regarding claim 176, **Barkan** teaches the invention as claimed, including the steps of: receiving at the first server from the destination server the transmission of the identity of the sender, the identity and address of the first server and the identity and address of the destination server (p.23, 30), and transmitting from tile first server to the sender the identity of the sender, the identity and address of the first server and the identity and address of the destination server at the time of the transmission from the first server to the sender of the message and the true transmission between the first server and the destination server (p.23, 30, 34). However, **Barkan** does not explicitly teach transmitting a message via a protocol selected from a group consisting of an SMTP protocol and an ESMTP protocol. **Zabetian** teaches the electronic documents

send between clients and servers using conventional protocols such as SMTP, FTP, HTTP, and other network protocol could be used to transmit electronic documents (col. 4 lines 25-55, col. 6 lines 21-37, col. 14 lines 53-66). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Barkan and Zabetian** to have the same motivation as set forth in claim 173.

Regarding claim 177, **Barkan** teaches the invention as claimed, including the steps of: providing at the first server digital signature of the message and the attachment including the transmission between the first server and the destination server relating to the message from the sender (abstract, p.8, p.19, p.29, step c), and transmitting from the first server to the sender the message and the digital signature of the message and the attachment (abstract, p.12, steps (a, b, c), p.23-24, step (h), p.30, step (d), p.33, 1st paragraph).

Regarding claim 178, **Barkan** teaches the invention as claimed, including the steps of: transmitting from the first server to the sender the identity of the sender, the identity and address of the first server and the identity and address of the destination server at the time that the message and the transmissions between the first server and the destination server are transmitted from tile first server to the sender (abstract, p.12, steps (a, b, c), p.23-24, step (h), p.30, step (d), p.33, 1st paragraph), transmitting from the sender to the first server the information transmitted from the first server to the

sender, and authenticating the message at the first server on the basis of the information transmitted from the sender to the first server and representing the information previously transmitted from the first server to the sender (p. 23-24, steps j-h, p.29, 30, 31-32, 34).

Regarding claim 179, **Barkan** teaches the invention as claimed, including a method of verifying delivery at a first server of an electronic message to a destination server for a recipient, including the steps of: receiving at the first server an electronic message from a message sender for transmission to the destination server (abstract, p.23-24, step (h). p.19, step (b)), transmitting the electronic message from the first server to the destination server (abstract, p.12, steps (a, b, c), p.23-24, step (h), p.30, step (d)), receiving at the first server the transmissions between the first server and the destination server (abstract, p.8, p.19, p.29, step c), and transmitting from the first server to the sender the message and at least a particular portion of the transmissions between the first server and the destination server (abstract, p.12, steps (a, b, c), p.23-24, step (h), p.30, step (d), p.33, 1st paragraph). However, **Barkan** does not explicitly teach transmitting a message via a protocol selected from a group consisting of an SMTP protocol and an ESMTP protocol. **Zabetian** teaches the electronic documents send between clients and servers using conventional protocols such as SMTP, FTP, HTTP, and other network protocol could be used to transmit electronic documents (col. 4 lines 25-55, col. 6 lines 21-37, col. 14 lines 53-66). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to

combine the teachings of **Barkan and Zabetian** to include the step of using a protocol selected from a group of network conventional protocols because it would have an efficient communications system that has a capability for users to send and attach various kinds of files to electronic mail (including electronic document certification, verification, digital signature).

Regarding claim 180, **Barkan** teaches the invention as claimed, wherein the message and the at least particular portion of the transmissions to the sender are provided by the sender to the first server, and wherein the message is authenticated by the first server on the basis of the message and the at least particular portion of the transmissions from the sender to the first server (abstract, p.12, steps (a, b, c), p.23-24, step (h), p.30, step (d), p.33, 1st paragraph). However, **Barkan** does not explicitly teach transmitting a message via a protocol selected from a group consisting of an SMTP protocol and an ESMTP protocol. **Zabetian** teaches the electronic documents send between clients and servers using conventional protocols such as SMTP, FTP, HTTP, and other network protocol could be used to transmit electronic documents (col. 4 lines 25-55, col. 6 lines 21-37, col. 14 lines 53-66). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Barkan and Zabetian** to have the same motivation as set forth in claim 179.

Regarding claim 181, **Barkan** teaches the invention as claimed, wherein a digital signature is provided of the message at the first server and wherein the digital signature is transmitted from the first server to the sender with the message and the at least particular portion of the transmissions between the first server and the destination server and wherein the digital signature is thereafter provided by the sender to the first server with the message and the at least particular portion of the transmissions (p.23,30,34). However, **Barkan** does not explicitly teach transmitting a message via a protocol selected from a group consisting of an SMTP protocol and an ESMTP protocol. **Zabetian** teaches the electronic documents send between clients and servers using conventional protocols such as SMTP, FTP, HTTP, and other network protocol could be used to transmit electronic documents (col. 4 lines 25-55, col. 6 lines 21-37, col. 14 lines 53-66). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Barkan and Zabetian** to have the same motivation as set forth in claim 179.

Regarding claim 182, **Barkan** teaches the invention as claimed, wherein a digital signature of the message and a digital signature of the transmissions are produced at the first server and are transmitted to the sender with the message and the transmissions (p.33) and wherein the digital signatures and the message and the at least particular portion of the transmissions to the sender are thereafter provided by the sender to the first server and wherein digital fingerprints are produced at the first server from the message and the digital signature of the message provided by the sender to

the first server and wherein the message is authenticated at the first server by establishing an identity between the digital fingerprints produced at the first server (p. 23-24, steps j-h, p.31-32, 34). However, **Barkan** does not explicitly teach transmitting a message via a protocol selected from a group consisting of an SMTP protocol and an ESMTP protocol. **Zabetian** teaches the electronic documents send between clients and servers using conventional protocols such as SMTP, FTP, HTTP, and other network protocol could be used to transmit electronic documents (col. 4 lines 25-55, col. 6 lines 21-37, col. 14 lines 53-66). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Barkan and Zabetian** to have the same motivation as set forth in claim 179.

Regarding claim 183, **Barkan** teaches the invention as claimed, including a method of verifying at a first server the delivery of an electronic message from the first server to a destination server for a destination address including the steps of: receiving at the first server an electronic message from a message sender for transmission to the destination server (abstract, p.23-24, step (h). p.19, step (b)), transmitting the electronic message from the first server to the destination server (abstract, p.12, steps (a, b, c), p.23-24, step (h), p.30, step (d)), receiving at the first server the transmissions between the first server and destination server (abstract, p.8, p.19, p.29, step c), transmitting from the first server to the sender the message and the transmission between the first server and the destination server (abstract, p.12, steps (a, b, c), p.23-24, step (h), p.30, step (d), p.33, 1st paragraph), receiving at the first server from the sender the message

and the transmission between the first server and the destination, and authenticating the message at the first server on the basis of the message received by the first server from the sender and the transmissions received by the first server from the sender (p.23-24, steps j-h, p.31-p.32). However, **Barkan** does not explicitly teach transmitting a message via a protocol selected from a group consisting of an SMTP protocol and an ESMTP protocol. **Zabetian** teaches the electronic documents send between clients and servers using conventional protocols such as SMTP, FTP, HTTP, and other network protocol could be used to transmit electronic documents (col. 4 lines 25-55, col. 6 lines 21-37, col. 14 lines 53-66). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Barkan and Zabetian** to include the step of using a protocol selected from a group of network conventional protocols because it would have an efficient communications system that has a capability for users to send and attach various kinds of files to electronic mail (including electronic document certification, verification, digital signature).

Regarding claim 187, **Barkan** teaches the invention as claimed, including the steps of: transmitting from the sender to the first server the information transmitted from the server to the sender, and authenticating the electronic message on the basis of the information transmitted from the sender to the server (abstract, p.12, steps (a, b, c), p.23-24, step (j-h), p.30, step (d), p.33, 1st paragraph).

Regarding claim 188, **Barkan** teaches the invention as claimed, including the steps of: providing a digital signature of the message and a digital signature of an attachment including the transmissions between the server and the destination server (abstract, p.8, p.19, p.29, step c), and transmitting the digital signature of the message and the digital signature of the attachment from the server to the sender at the same time that the message and the attachment are transmitted from the server to the sender (abstract, p.12, steps (a, b, c), p.23-24, step (h), p.30, step (d), p.33, 1st paragraph). However, **Barkan** does not explicitly teach transmitting a message via a protocol selected from a group consisting of an SMTP protocol and an ESMTP protocol. **Zabetian** teaches the electronic documents send between clients and servers using conventional protocols such as SMTP, FTP, HTTP, and other network protocol could be used to transmit electronic documents (col. 4 lines 25-55, col. 6 lines 21-37, col. 14 lines 53-66). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Barkan and Zabetian** to have the same motivation as set forth in claim 159.

Regarding claim 189, **Barkan** teaches the invention as claimed, including the steps of: generating at the first server a digital signature of the message and a digital signature of the attachment including the transmission between the first server and the destination server, and transmitting from the first server to the sender the message and the attachment and the digital signatures of the message and the attachment (abstract, p.12, steps (a, b, c), p.23-24, step (h), p.30, step (d), p.33, 1st paragraph, p.34).

However, **Barkan** does not explicitly teach transmitting a message via the selected one of the protocol. **Zabetian** teaches the electronic documents send between clients and servers using conventional protocols such as SMTP, FTP, HTTP, and other network protocol could be used to transmit electronic documents (col. 4 lines 25-55, col. 6 lines 21-37, col. 14 lines 53-66). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Barkan and Zabetian** to have the same motivation as set forth in claim 166.

Regarding claim 190, **Barkan** teaches the invention as claimed, including the steps of: providing a digital signature of the message and a digital signature of the attachment including the transmission between the first server and the destination server, and transmitting the digital signatures from the first server to the sender at the same time as the transmission from the first server to the sender of the message and the attachment (abstract, p.12, steps (a, b, c), p.23-24, step (h), p.30, step (d), p.33, 1st paragraph, p.34). However, **Barkan** does not explicitly teach transmitting a message via the selected one of the protocol. **Zabetian** teaches the electronic documents send between clients and servers using conventional protocols such as SMTP, FTP, HTTP, and other network protocol could be used to transmit electronic documents (col. 4 lines 25-55, col. 6 lines 21-37, col. 14 lines 53-66). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Barkan and Zabetian** to have the same motivation as set forth in claim 173.

Regarding claim 191, **Barkan** teaches the invention as claimed, including the steps of: transmitting from the sender to the first server the message and the digital signature of the message and the attachment and the digital signature of the attachment including the transmissions between the first server and the destination server (abstract, p.12, steps (a, b, c), p.23-24, step (h), p.30, step (d), p.33, 1st paragraph), and authenticating the message on the basis of the digital signatures and the message and the attachment transmitted from the sender to the first server (p.23-24, steps j-h, p.31-p.32). However, **Barkan** does not explicitly teach transmitting a message via the selected one of the protocol. **Zabetian** teaches the electronic documents send between clients and servers using conventional protocols such as SMTP, FTP, HTTP, and other network protocol could be used to transmit electronic documents (col. 4 lines 25-55, col. 6 lines 21-37, col. 14 lines 53-66). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Barkan** and **Zabetian** to have the same motivation as set forth in claim 166.

Regarding claim 226, **Barkan** teaches the invention as claimed, including a method of authenticating a message provided by a sender (figure 1, user A) and transmitted to a destination server (figure 1, user B and mail box of user B) by a second server (figure 1, mail server) displaced from the sender and the destination server, the steps at the second server of: providing an attachment transmitted between the second server and the destination server, and transmitting the attachment from the second server to the sender (abstract, p.12, steps (a, b, c), p.23-24, step (h), p.30, step (d),

p.33, 1st paragraph, p.34). However, **Barkan** does not explicitly teach transmitting a message via a selected one of SMTP and ESMTP protocols. **Zabetian** teaches the electronic documents send between clients and servers using conventional protocols such as SMTP, FTP, HTTP, and other network protocol could be used to transmit electronic documents (col. 4 lines 25-55, col. 6 lines 21-37, col. 14 lines 53-66). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Barkan and Zabetian** to include the step of using a protocol selected from a group of network conventional protocols because it would have an efficient communications system that has a capability for users to send and attach various kinds of files to electronic mail (including electronic document certification, verification, digital signature).

Regarding claim 227, **Barkan** teaches the invention as claimed, including the steps at second server of: providing a digital signature of the attachment at the second server, and transmitting the digital signature from the second server to the sender at the time of transmitting the attachment from the second server to the sender (abstract, p.12, steps (a, b, c), p.23-24, step (h), p.30, step (d), p.33, 1st paragraph, p.34).

Regarding claim 228, **Barkan** teaches the invention as claimed, including the steps at the second server of: receiving the attachment and the digital signature at the second server from the sender (abstract, p.12, steps (a, b, c), p.23-24, step (h), p.30, step (d), p.33, 1st paragraph, p.34), and authenticating the attachment at the second

server on the basis of the attachment and the digital signature received by the second server from the sender (p.23-24, steps j-h, p.31-p.32).

Regarding claim 229, **Barkan** teaches the invention as claimed, including the steps at the second server of: receiving the attachment and the digital signature at the second server from the sender (p.34, step j), providing at the second server digital fingerprints of the attachment and the digital signature received at the second server from the sender, and comparing the digital fingerprints to authenticate the attachment (p. 23-24, steps j-h, p.31-p.32).

Response to Arguments

7. Applicant's arguments have been fully considered but they are not persuasive because of the following reasons:

Barkan teaches the invention as claimed, including a method and system of transmitting a message from a sender to a destination address through a server displaced from the destination address and notification of receiving a message [see Abstract], with the functional steps at the server consisting of receiving the message from the sender [see Abstract, p.23-24, step (h). p.19, step (b)], transmitting the message to the destination address [see Abstract, p.12, steps (a, b, c), p.23-24, step (h), p.30, step (d)], receiving at the server an indication from the destination address that the message has been received at the destination address from the server [see Abstract, p.8, p.19, p.29, step c], providing at the server a digital signature of the message [see p.9, p.31-32], and transmitting to the sender the message and the digital

signature of the message for storage by the sender [see p.33, 1st paragraph, mail server 3 sends proof of receipt message and encrypted message from recipient (user 2) and stores in mail box 12 belonging to sender (user 1)].

Claims 115-121, 145-150, 159-183, 187-191 and 226-242 are unclear that the one ordinarily skilled in the art cannot recognize the encompassed claim limitations. Especially, limitations of independent claims are not found supported by the specification of this instant application. Dependent claims also contain similar bold-faced amended terms as indicated above and are dependent on independent claims and thus are unclear how they would have been encompassed as well. While adding negative limitations like “unencrypted” or “without any encryption” or “without encrypting” to the claim language, the instant application’s specification clearly shows digital signature as defined as encrypted message. Thus, there is a contradiction.

In response to applicant’s arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642F. 2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F. 2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant obviously attacks references individually without taking into consideration based on the teaching of combinations of references as shown above. With respect to **Barkan**, applicant seems to argue points the examiner has already construed **Barkan** does not explicitly teach while restricting the arguments on the **Barkan/Zabetian** combined to arguments of no motivation.

In response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. See **In re Nomiya, 184 USPQ 607 (CCPA 1975)**. However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. See **In re McLaughlin, 170 USPQ 209 (CCPA 1971)**. References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. See **In re Bozek, 163 USPQ 545 (CCPA) 1969**. Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. See **In re Bode, 193 USPQ 12 (CCPA 1977)**. In this case, the reason for combining the teachings of **Barkan and Zabetian** to include the step of using a protocol selected from a group of network conventional protocols because it would have an efficient communications system that has a capability for users to send and attach various kinds of files to electronic mail (including electronic document certification, verification, digital signature).

As a result, cited prior art does disclose a system and method as broadly claimed by the applicant. Applicant has still failed to identify specific claimed limitations that would define a clearly patentable distinction over prior arts. Therefore, the examiner

asserts that cited prior art teaches or suggests the subject matter recited in independent claims. Dependent claims are also rejected at least by virtue of dependency on independent claims and by other reasons shown above. Accordingly, claims 115-121, 145-150, 159-183, 187-191 and 226-242 are respectfully rejected. Since newly added claims 243-285 contain new subject matter (including features which are in questions of not being supported by the instant application's specification), these claims are not treated on merits for being examined at this time. As noted, claims 115-121, 145-150, 159-183, 187-191 and 226-242 are elected for examining after requirement for restrictions presented. However, other claims that belong to non-elected groups need to be indicated the status as well when the list of the claims are submitted (for example, other claims xxx-xxx are canceled).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A SHORTENED STATUTORY PERIOD FOR REPLY TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS ACTION. IN THE EVENT A FIRST REPLY IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CAR 1.136(A) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT, HOWEVER, WILL THE STATUTORY PERIOD FOR REPLY EXPIRE LATER THAN SIX MONTHS FROM THE MAILING DATE OF THIS FINAL ACTION.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (571) 272-3991. The Group fax phone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam, can be reached on (571) 272-3978.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Philip Tran
Philip Tran
Art Unit 2155
March 15, 2005

Hosain Alam
HOSAIN ALAM
SUPERVISORY PATENT EXAMINER